

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CORNELIUS HILL

and

TRUDIE HASTINGS HILL H/W

Plaintiffs

SCHIFFAHRTSGESELLSCHAFT MS

PRIWALL mbH & Co. KG

and

REEDEREI F. LAEISZ G.m.b.h., ROSTOCK

Defendants

NO. 02-CV-2713

JURY TRIAL DEMANDED

ORDER

AND NOW, this day of , 2004, upon consideration of the Motion of defendants Schiffahrtsgesellschaft MS Priwall mbH & Co. KG and Reederei F. Laeisz G.m.b.h., Rostock to Compel Plaintiffs Cornelius Hill and Trudie Hastings Hill to Produce Federal Tax Returns and W-2 Forms, and any response thereto, it is hereby ORDERED that the Motion is GRANTED. Plaintiffs Cornelius Hill and Trudie Hastings Hill shall serve, no later than two (2) days after receipt of this Order, a true and correct copy of their federal tax returns for the years 1998, 1999 and 2001, as well as all of their W-2 forms for the years 1998 through 2003, or be precluded from putting on any wage loss claim.

BY THE COURT:

J.

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

JURY TRIAL DEMANDED

**DEFENDANTS' MOTION TO COMPEL
PLAINTIFFS CORNELIUS HILL AND TRUDIE HASTINGS HILL
TO PRODUCE FEDERAL TAX RETURNS AND W-2 FORMS**

Defendants Schiffahrtsgesellschaft MS Priwall mbH & Co. KG (“Priwall”) and Reederei F. Laeisz G.m.b.h., Rostock (“Laeisz”), by their attorneys, Rawle & Henderson, LLP, hereby move this Honorable Court for an Order compelling plaintiffs Cornelius Hill and Trudie Hastings Hill to produce federal tax returns and W-2 forms, and, in support thereof, aver as follows:

1. Plaintiff Cornelius Hill, a longshoreman, filed this lawsuit against defendants Priwall and Laeisz to recover damages for personal injuries that he allegedly sustained while working aboard the M/V SEA PANTHER on August 24, 2000.

2. Plaintiffs' Amended Complaint includes an averment that, as a result of the accident, plaintiff Cornelius Hill, has been caused to suffer "loss of earnings and earning capacity." See Plaintiff's Amended Complaint, ¶15.

3. On September 5, 2002, defendants served Requests for Production of Documents on plaintiffs, wherein defendants requested “copies of all W-2 form received by plaintiffs in 1996 through today” as well as “copies of plaintiffs’ income tax returns filed for the

years 1996 through today.” See Defendants’ Request for Production of Documents, attached hereto as Exhibit “A,” Nos. 8 and 9.

4. The requested materials are highly relevant to plaintiffs’ claim of loss of earnings and earning capacity because they seek both information about plaintiffs’ earnings for a reasonable period before the August 24, 2000 accident, as well as for a reasonable time after the accident. As such, these materials fall well within the scope of discovery defined in Federal Rule of Civil Procedure 26(b).

5. Plaintiffs have filed no objections to the aforementioned document requests. Nevertheless, plaintiffs have only partially complied with these requests. Plaintiffs have produced their federal income tax returns for the years 2000 and 2002 only. Furthermore, Plaintiffs have produced only the 2002 W-2 form of Cornelius Hill.

6. There would be great prejudice to defendants if plaintiffs were not compelled to produce all of the federal tax returns and W-2 forms requested. Without having had an opportunity to review these materials, defendants will not have an adequate opportunity to challenge the extent of plaintiff Cornelius Hill’s loss of earnings and earning capacity.

7. Counsel for defendants certify pursuant to Local Rule 26.1(f) that they contacted plaintiffs’ counsel and attempted to resolve this discovery matter amicably but were unable to do so.

WHEREFORE, defendants Priwall and Laeisz respectfully request that this Court grant its Motion and enter an Order compelling the plaintiffs to produce their federal tax returns for the years 1998, 1999, and 2001, as well as all of their W-2 forms for the years 1998 through 2003.

Respectfully submitted,

RAWLE & HENDERSON LLP

By: _____
Carl D. Buchholz, III, Esquire
David S. Santee, Esquire
Attorneys for Defendants
The Widener Building
One South Penn Square
Philadelphia, PA 19107
Phone: (215) 575-4200.

DATED:

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

JURY TRIAL DEMANDED

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANTS' MOTION TO COMPEL
PLAINTIFFS CORNELIUS HILL AND TRUDIE HASTINGS HILL
TO PRODUCE FEDERAL TAX RETURNS AND W-2 FORMS**

Plaintiff Cornelius Hill, a longshoreman, filed this lawsuit against defendants Priwall and Laeisz to recover damages for personal injuries that he allegedly sustained while working aboard the M/V SEA PANTHER on August 24, 2000. Plaintiffs' Amended Complaint includes an averment that, as a result of the accident, plaintiff Cornelius Hill, has been caused to suffer "loss of earnings and earning capacity." See Plaintiff's Amended Complaint, ¶15.

On September 5, 2002, defendants served Requests for Production of Documents on plaintiffs, wherein defendants requested “copies of all W-2 form received by plaintiffs in 1996 through today” as well as “copies of plaintiffs’ income tax returns filed for the years 1996 through today.” See Defendants’ Request for Production of Documents, attached hereto as Exhibit “A,” Nos. 8 and 9.

The requested materials are highly relevant to plaintiffs' claim of loss of earnings and earning capacity because they seek both information about plaintiffs' earnings for a reasonable period before the August 24, 2000 accident, as well as for a reasonable time after the accident.

As such, these materials fall well within the scope of discovery defined in Federal Rule of Civil Procedure 26(b). Plaintiffs have filed no objections to the aforementioned document requests. Nevertheless, plaintiffs have only partially complied with these requests. Plaintiffs have produced their federal income tax returns for the years 2000 and 2002 only. Plaintiffs have not produced any of the requested W-2 forms.

There would be great prejudice to defendants if plaintiffs were not compelled to produce all of the federal tax returns and W-2 forms requested. Without having had an opportunity to review these materials, defendants will not have an adequate opportunity to challenge the extent of plaintiff Cornelius Hill's loss of earnings and earning capacity.

III. CONCLUSION

For the foregoing reasons, defendants Priwall and Laeisz respectfully request that this Court grant their Motion and enter an Order compelling the plaintiffs to produce their federal tax returns for the years 1998, 1999, and 2001, as well as all of their W-2 forms for the years 1998 through 2003.

Respectfully submitted,

RAWLE & HENDERSON LLP

By: _____
Carl D. Buchholz, III, Esquire
David S. Santee, Esquire
Attorneys for Defendants
The Widener Building
One South Penn Square
Philadelphia, PA 19107
215-575-4200

**UNITED STATES DISTRICT COURT FOR THE
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CORNELIUS HILL

and

TRUDIE HASTINGS HILL H/W

Plaintiffs

SCHIFFAHRTSGESELLSCHAFT MS

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and

REEDEREI F. LAEISZ G.m.b.h., ROSTOCK

Defendants

NO. 02-CV-2713

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CERTIFICATE OF SERVICE

I do hereby certify that the foregoing Motion to Compel Plaintiffs to Produce Federal Tax Returns and W-2 Forms with Supporting Memorandum of Law were served by Hand Delivery to the following counsel of record:

E. Alfred Smith, Esquire
1333 Race Street, 2nd Floor
Philadelphia, PA 19107
Attorney for Plaintiff

Carl D. Buchholz, III, Esquire

Date: